

Docket No.: 99-885

REMARKS

As a preliminary matter, Applicants thank the Examiner for his careful examination of this application and for the indication of allowable subject matter contained in the Office Action. Claims 1-7, 9-15 and 17 have been amended Claim 8 has been cancelled. Claims 18-21 have been added. No new matter has been added. Claims 1-7 and 9-21 are now pending.

In the Office Action: (1) claims 10-11 were objected to for informalities; and (2) claims 1-17 were rejected under 25 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The rejections of the claims are stylistic only; no claims have been substantively rejected based on any prior art references. Applicants respectfully request that the Examiner withdraw the objections and rejections to the claims based on the amendments to the claims and for the reasons discussed below.

Objection to Claims 10-11

On page 2 of the Office Action, the Examiner objected to claims 10-11 for informalities. Specifically, the Examiner has suggested that Applicants change "the interconnected routers" at line 6 to "the routers." Applicants have amended claim 10 eliminating the "interconnected router" language. Therefore, it is respectfully requested that the Examiner withdraw this objection to claims 10-11.

Rejection under 35 U.S.C. §112, second paragraph

On page 2 of the Office Action, the Examiner rejected claims 1-17 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. As Applicants have cancelled claim 8, the rejection is moot as to claim 8. Applicants respectfully request reconsideration of the rejection of remaining claims 1-7 and 9-17 based upon the following.

A. Independent Claims 1, 12, and 17

The Examiner asserts that independent claim 1 is vague and indefinite because (1) it is not known on what factors/parameters the steps of estimating the carried traffic for each network link and calculating a plurality of loss probabilities are based; and (2) it is unclear whether the estimating carried traffic in line 12 and estimating the carried traffic in line 12

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are the same or different (page 2). While the Office Action refers to line 12 twice, this appears to be a typographical error, and Applicants assume, for purposes of this response, that one of the references to line 12 was instead intended to reference lines 10-11 (which also uses the phrase "carried traffic"). The Examiner asserts that independent claims 12 and 17 are vague and indefinite for the same reasons (page 2).

With respect to the Examiner's second assertion – that "carried traffic" is unclear in the step of estimating carried traffic as recited in claims 1, 12, and 17 – Applicants have amended this limitation in claims 1, 12, and 17, now referring to a "load" as used in the specification (see page 4, line 22 to page 5, line 4), in order to improve its clarity, and is believed to remove the Examiner's concern. Applicants believe that this amendment is merely cosmetic and does not surrender any scope of protection defined by the claims.

With respect to the Examiner's first assertion – that it is not known on what factors/parameters the steps of estimating the carried traffic and calculating a plurality of loss probabilities are based – Applicants have amended claims 1, 12 and 17 to further specify bases for the estimating and calculating steps noted by the Examiner. Applicants believe that these amendments fully address the Examiner's concerns, and respectfully request that the rejection of these claims, as well as dependent claims 2-7, 9 and 13-16 be withdrawn.

B. Independent Claim 10

The Examiner asserts that independent claim 10 is vague and indefinite for the same reasons relied on to reject independent claim 1. Applicants have amended claim 10 with amendments that are similar to the amendments made to claim 1 discussed above. Therefore, Applicants respectfully submit that amended claim 10 overcomes the Examiner's rejection for the same reasons discussed above in relation to claim 1.

The Examiner also asserts that the last three steps of claim 10 are not correlated to other steps of the claim (page 2). Applicants have amended claim 10 to further correlate the steps of the claim, and believe that claim 10 as amended overcomes the Examiner's rejection. Applicants request that the Examiner withdraw the rejection of this claim. For the foregoing reasons, it is believed that claim 10 and its dependent claim (claim 11) are in condition for allowance.

Additional Claim Amendments and New Claims 18-21

Applicants have made additional amendments to the claims to correct typographical errors and omissions and to put the claims in better form. Applicants believe these

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amendments to be consistent with the teachings of the specification. Applicants have also added new claims 18-21, which are fully supported by the specification and provide further definition of the scope of the inventive subject matter. It is believed that these claims satisfy the requirements of 35 U.S.C. §112, second paragraph, and are in condition for allowance.

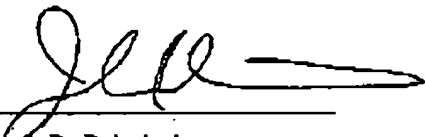
CONCLUSION

All objections and rejections have been addressed. In view of the above, the presently pending claims are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136(a) is hereby made, the fee for which should be charged against the aforementioned account.

Respectfully submitted,

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By


Joseph R. Palmieri
Attorney for Applicant
Reg. No.: 40,760

Verizon Corporate Services Group Inc.
c/o Christian Andersen
600 Hidden Ridge Drive,
Mailcode HQE03H14
Irving, TX 75038
(972) 718-4800
CUSTOMER NO.: 32127